

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ANDREW GUY MORET,

Plaintiff,

Civ. No. 3:18-cv-96-MK

v.

ORDER

T. MILLSAP,

Defendant.

MCSHANE, Judge:

Magistrate Judge Mustafa Kasubhai filed a Findings and Recommendation (ECF No. 103), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff filed objections to the Findings and Recommendation. ECF Nos. 105, 107. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court finds no error and concludes the report is correct. Even assuming the report incorrectly found the date of the incident to be January 29 rather than January 26, that fact is immaterial to the report's conclusions.

Magistrate Judge Kasubhai's Findings and Recommendation (ECF No. 103) is adopted. Defendant's motion for summary judgment (ECF No. 84) is GRANTED. Plaintiff's cross motion for summary judgment and declaratory judgment (ECF Nos. 88, 89) are DENIED.

IT IS SO ORDERED.

DATED this 13th day of October, 2021.

/s/ Michael J. McShane
Michael McShane
United States District Judge